



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4127-99

10 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 30 September 1965 at the age of 21. Your record reflects that on 25 February 1966 you were convicted by summary court-martial (SCM) of a 45 day period of unauthorized absence (UA) and sentenced to confinement at hard labor for a month and \$62 in forfeitures.

Your record further shows that on 13 November 1967 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction for seven days and forfeitures totalling \$45. Shortly thereafter, you received NJP for illegal transportation of alcoholic beverages. The punishment imposed was forfeitures totalling \$15 which was suspended for 30 days.

On 1 December 1967, at the expiration of your enlistment, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from periodically assigned marks. At the time of your service, conduct and

proficiency averages of 4.0 and 3.8, respectively, were required for a fully honorable characterization of service. Your average in conduct was 3.9.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded because you feel that you honorably served your country. The Board further considered your contention that one of your superior officers destroyed your original discharge certificate. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your service given your failure to attain the required average in conduct, and the serious nature of your frequent misconduct which resulted in two NJPs and a court-martial conviction. Given the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director